

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E/S Sterling Avenue, 800' NE		
centerline of Wampler Road	*	DEPUTY ZONING COMMISSIONER
15th Election District		
5th Councilmanic District	*	OF BALTIMORE COUNTY
(713 Sterling Avenue)		
	*	CASE NO. 02-409-A
Barbara J. & James E. Vincent		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Barbara J. and James E. Vincent. The variance request is for property located at 713 Sterling Avenue in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with an addition to have a side yard setback of 10.5 ft. and a side yard combination of 24.5 ft. in lieu of the required 15 ft. and 40 ft. respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDERED: RECEIVED FROM LAWYER
 Date 4/24/02
 By J.R. Jones

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 24th day of April, 2002, that a variance from Section 1B02.3.C.1 of the B.C.Z.R., to permit an existing single-family dwelling with an addition to have a side yard setback of 10.5 ft. and a side yard combination of 24.5 ft. in lieu of the required 15 ft. and 40 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 4/24/02
By R. J. Jenson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 24, 2002

Mr. & Mrs. James E. Vincent
713 Sterling Avenue
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 02-409-A
Property: 713 Sterling Avenue

Dear Mr. & Mrs. Vincent:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

713 STERLING AVE
Address
BALTIMORE MD 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The applicant is requesting a variance for relief on the required side yard setbacks in order to construct a reasonable sized addition onto an existing dwelling. The subject property is presently improved with a 25' x 25.5' two story dwelling. The present dwelling is nonconforming to side setbacks at the southwest corner. This is due to the skewed geometry of the lot. The lot is 54' wide along its frontage having parallel lot lines 260' in length to a rear lot line, which is also 54' in length. However the side lot lines are not perpendicular to the front line creating a parallelogram shape. The described lot is very deep in relation to its width. Based upon the size of the lot, approximately 14040 sq. ft. the applicant should be able to improve the lot with a reasonable size house. The lot as created, should have originally been platted with side property lines perpendicular to the roadway or developed with the house parallel to the side property lines. However, neither are the case and the applicant purchased the property with the existing dwelling approximately 15 years ago. Now that they are in a position to expand their home, they found a variance would be required to construct a reasonable sized addition. The hardship is not self-created by the applicant nor is it based upon financial consideration. The requested relief is the minimum relief required to construct a reasonable size addition onto the existing house, which is small, based upon today's standards.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

James E. Vincent
Signature
James E. Vincent
Name - Type or Print

Barbara J. Vincent
Signature
Barbara J. Vincent
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25TH day of MARCH, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JAMES E. VINCENT AND BARBARA J. VINCENT
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires _____



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 713 STERLING AVE
which is presently zoned D.R. 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 to permit a side yard setback of 10.5 ft. and a side yard combination of 24.5 ft. in lieu of the required 15 ft. and 40 ft. respectively,

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No

City State Zip Code

Legal Owner(s):

JAMES E. VINCENT
Name - Type or Print

[Signature]
Signature

BARBARA J. VINCENT
Name - Type or Print

[Signature]
Signature

713 STERLING AVE C# 410-977-7122
Address #410-574-0803

BALTIMORE MD 21220
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By BK Date 3/25/02

Estimated Posting Date 4/8/02

CASE NO. 02-409-A

REV 10/25/01

UNDER RECEIVED FOR FILING

4/24/02
By [Signature]

ZONING DESCRIPTION

Zoning description for 713 Sterling Avenue.

BEGINNING for the same at a point on the southeast side of Sterling Avenue at the beginning point of a tract of land which by Deed dated January 11, 1975 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5503, folio 653 was granted and conveyed by John Carry, Personal Representative of the Estate of Mary Tates, deceased, to Melvin F. Blanchard, and running thence from said place of beginning and binding on part of the first line of said deed, north 47 degrees 15 minutes east 54 feet thence running for two lines of division, south 49 degrees 16 minutes east 260 feet and south 47 degrees 15 minutes west 54 feet to intersect the fourth line of said deed and thence binding thereon, north 49 degrees 15 minutes west 260 feet to the place of beginning.

CERTIFICATE OF POSTING

RE: Case No.: 02-409-A

Petitioner/Developer: _____

JAMES E. BARBARA VINCENT

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

MR. GEORGE ZAHNER
Attention: ~~Ms. Swendelyn Stephens~~

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

713 STERLING AVE

The sign(s) were posted on _____

4/7/02

(Month, Day, Year)

Sincerely,

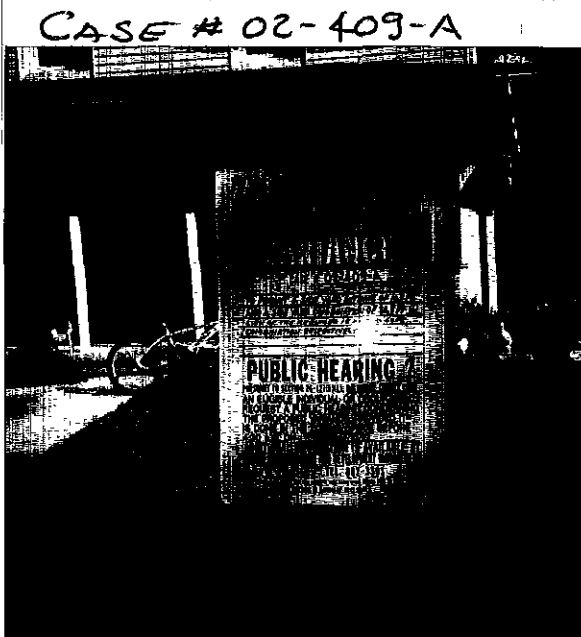
Richard E. Hoffman 4/7/02
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



713 STERLING AVE

POSTED 4/7/02

Richard E. Hoffman 4/8/02

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-409-A

Petitioner: James E. + Barbara J. Vincent

Address or Location: 713 Sterling Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: James E. Vincent

Address: 713 Sterling Ave

Balto. Md. 21220

Telephone Number: H 410-574-0803 Cell # 410-977-7722

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 409 -A Address 713 Sterling Ave.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 3/25/02 Posting Date: 4/8/02 Closing Date: 4/23/02

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 02- 409 -A Address 713 Sterling Ave.
Petitioner's Name James & Barbara Vincent Telephone 410-977-7222
Posting Date: 4/8/02 Closing Date: 4/23/02
Wording for Sign: To Permit a side yard setback of 10.5 ft. and a side
yard combination of 24.5 ft. in lieu of the required 15 ft.
and 40 ft. combination respectively.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 23, 2002

Mr. & Mrs. James E Vincent
713 Sterling Avenue
Baltimore MD 21220

Dear Mr. & Mrs. Vincent:

RE: Case Number: 02-409-A, 713 Sterling Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 25, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDT
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: May 1, 2002

FROM: *Rob* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 8, 2002
Item Nos. 401, 402, 404, 405, 406,
407, 408, 409, 410, 411, 413, 414,
415, 416, 417, 418, 419, 420, 421,
422, 423 and 425

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:CEN:cab

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 12, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 8, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:
401, 402, 404-417, 419-425

409

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

COUNTY REVIEW GROUP MEETING{PRIVATE }

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

DATE: May 1, 2002

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/HGT*

DATE: May 1, 2002

SUBJECT: Zoning Item 409
Address 713 Sterling Avenue

Zoning Advisory Committee Meeting of 4/08/02

GROUND WATER MANAGEMENT

The proposed edition must be a minimum of 20 feet from the septic system. An evaluation of the septic system will be required prior to permit approval.

Reviewer: Sue Farinetti

Date: 5/01/02

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 17, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

APR 17 2002

SUBJECT: 713 Sterling Avenue

INFORMATION:

Item Number: 02-409

Petitioner: James E. Vincent

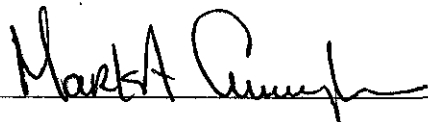
Zoning: DR 2

Requested Action: Variance

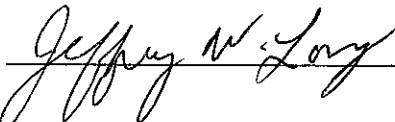
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow a side yard of 10.5 feet and a combination of side yard setbacks of 24.5 feet in lieu of the minimum required 15 feet and 40 feet respectively.

Prepared by:



Section Chief:



AFK/LL:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.12.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 409 BR

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

dr Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

see pages 5 & 6 of the CHECKLIST for additional required information

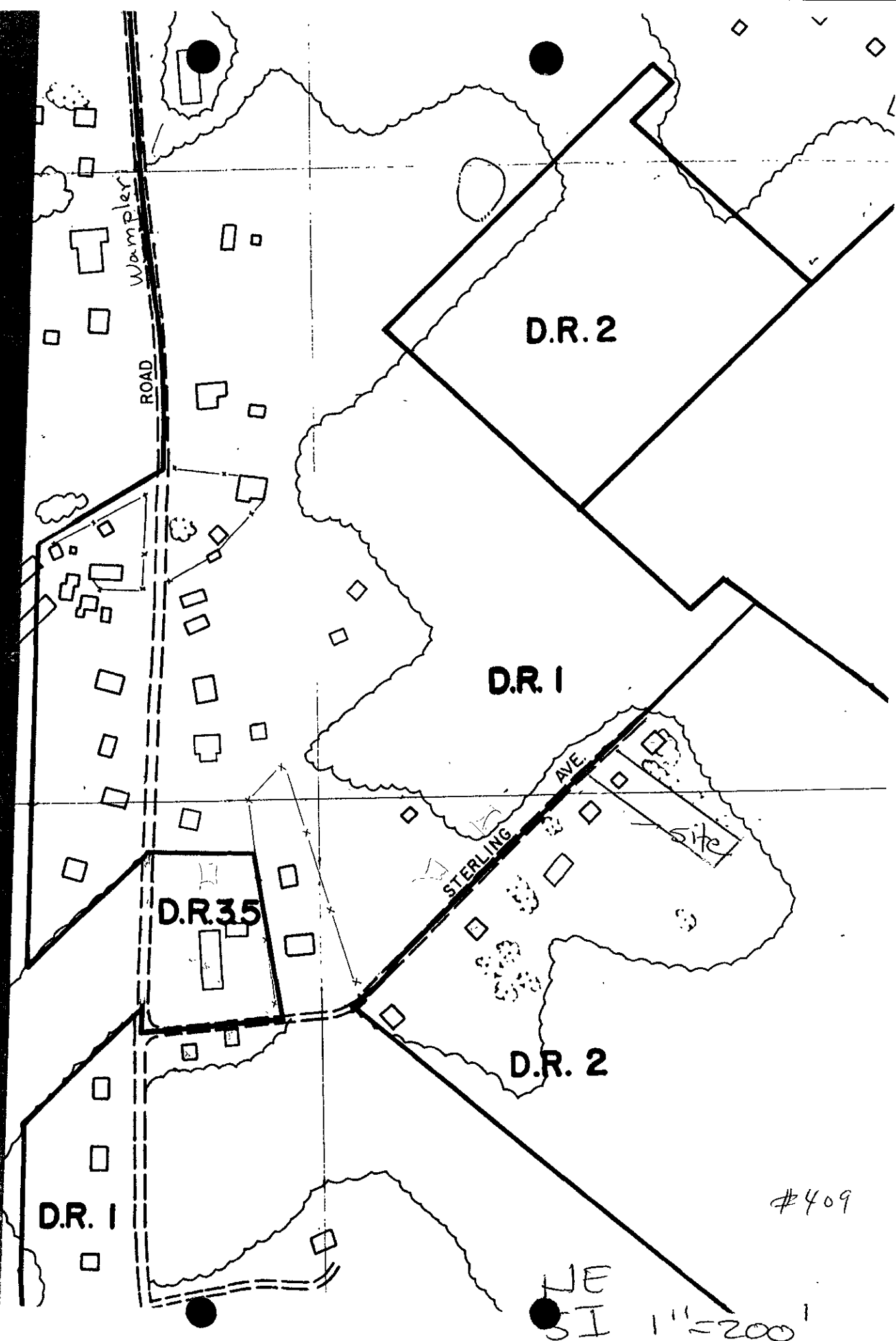
Subdivision name: _____
[plat book# _____, folio# _____, lot# _____, section# _____]

Seebold David L.

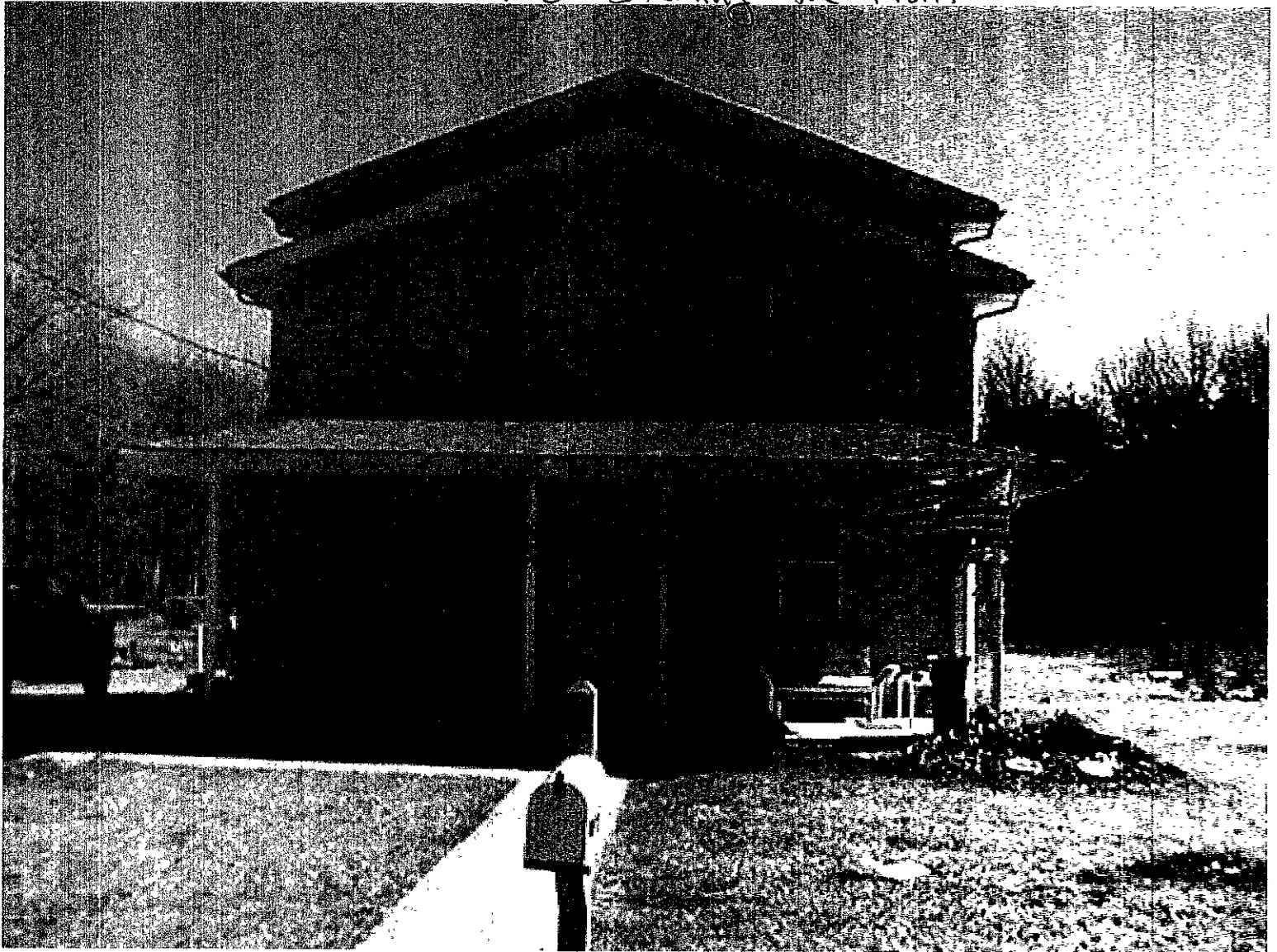
Q5-409-A

51

Det. 94 #1



713 Sterling Ave Front.



#409

Front
713 Sterling Ave

Front & Side
711 Sterling Ave.



713 Sterling Ave Rear View



Front + Side
715 Sterling Ave
↓

Front
713 Sterling Ave

